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June 20, 2007

Kris Anne Monteith
Chief, Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

**Re: Enforcement Action Against GTE Pacifica, Inc.
CC Docket No. 95-116 (Telephone Number Portability)**

Dear Ms. Monteith:

PTI Pacifica, Inc. (PTI Pacifica),¹ according to a recent determination by the Spectrum and Competition Policy Division (Division), Wireless Telecommunications Bureau, "has apparently been out of compliance with the Commission's local number portability rules since July 1, 2006."² The Division's finding has resulted in a referral to the Enforcement Bureau (Bureau) for action against PTI Pacifica consistent with the *Order*.

This letter is prompted by the fact that PTI Pacifica's ongoing refusal to abide by the Commission's local number portability (LNP) requirements continues to harm wireless telecommunications customers in the Commonwealth of the Northern Mariana Islands (Commonwealth), and is unfairly interfering with the efforts of Saipancell Communications (Saipancell)³ to provide competitive wireless telecommunications services in the Commonwealth. In light of the past, present, and continuing harms to consumers and competition resulting from PTI Pacifica's unwarranted conduct, we urge the Bureau to act expeditiously to fashion a remedy that penalizes PTI Pacifica for its failure to comply with the Commission's rules and that brings relief to customers whose opportunity to seek competitive alternatives for wireless services has been constrained by PTI Pacifica's violations of the rules.

¹ PTI Pacifica, Inc., was formerly known as GTE Pacifica, Inc.

² *Petition of GTE Pacifica, Inc. for Waiver and Extension of Time to Implement Wireless Local Number Portability in the Commonwealth of the Northern Mariana Islands*, CC Docket No. 95-116, Order, DA 07-1565 (SCPD WTB, released Apr. 2, 2007) (*Order*), *recon. petitions pending*, at para. 13.

³ Saipancell Communications is the brand name under which Guam Cellular and Paging, Inc., a corporation organized under the laws of Guam, provides service in the Commonwealth.

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The findings in the *Order* indicate that Micronesian Telecommunications Corporation (MTC), an incumbent local exchange carrier in the Commonwealth, and PTI Pacifica are under the common control of Pacifica Telecommunications Inc. (PTI) (an independent Commonwealth corporation), that MTC “has not made diligent efforts to prepare for porting[.]”⁴ and that both PTI Pacifica and PTI are responsible for delays in LNP implementation resulting from MTC’s failure to take any action to comply with the Commission’s rules.⁵ While PTI Pacifica sought to paint a different picture in a waiver petition filed with the Commission,⁶ the Division concluded that, since PTI Pacifica is a wholly owned subsidiary of PTI (which also is the parent company of MTC), PTI Pacifica “can influence MTC’s efforts to complete necessary upgrades”⁷

The Commission first imposed LNP requirements on Commercial Mobile Radio Service carriers more than 10 years ago, finding that “service provider portability will promote competition between existing cellular carriers, as well as facilitate the viable entry of new providers of innovative service offerings,”⁸ that removing barriers requiring telephone numbers to be changed when changing carriers “will likely stimulate the development of new services and technologies, and create incentives for carriers to lower prices and costs[.]”⁹ and that “[i]mplementation of long-term service provider portability by CMRS carriers will have an impact on the efficient use and uniform administration of the numbering resource.”¹⁰

PTI Pacifica’s complicity in MTC’s failures has undermined these policy objectives, which promote consumer welfare and competition by requiring wireless-to-wireless porting. Both consumers and Saipancell have borne the burdens of PTI Pacifica’s refusal to comply with the rules for nearly a year, and these burdens, as well as the subversion of the Commission’s policies, continue unabated. Each day that PTI Pacifica, MTC, and PTI fail to take the actions necessary to enable wireless-to-wireless porting further impedes the opportunity for consumers in the Commonwealth to seek better services at lower prices from competitive providers, and

⁴ *Order* at para. 11.

⁵ *Id.*

⁶ See *Telephone Number Portability*, CC Docket No. 95-116, Petition by GTE Pacifica, Inc., for Waiver and Extension of Time to Implement Wireless Local Number Portability in the Commonwealth of the Northern Mariana Islands, filed June 30, 2006.

⁷ *Order* at para. 15.

⁸ *Telephone Number Portability*, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8434, para. 157 (1996).

⁹ *Id.* at 8435, para. 158.

¹⁰ *Id.* at 8432, para. 153. See also *Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation*, CC Docket No. 95-116, Memorandum Opinion and Order, 17 FCC Rcd 14972, 14973, para. 2 (2002).

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also frustrates the efforts of Saipancell to enhance the wireless telecommunications marketplace by offering competitive alternatives to consumers.

Swift action by the Bureau in addressing the referral made by the *Order* offers the best means to remedy the harms caused by PTI Pacifica's failure to comply with the Commission's LNP rules. We therefore urge the Bureau to address this matter as promptly as resources will permit. While the Division expressed the expectation that MTC will implement necessary network upgrades by early October 2007 "at the latest[,]"¹¹ we strongly encourage the Bureau to invoke its enforcement authority to compel a more expedited schedule. Such action will benefit consumers and competition in the Commonwealth. The fact that PTI Pacifica "has not provided a proposed deployment schedule and milestones for meeting a new deployment date"¹² further accentuates the need for prompt and forceful action by the Bureau.

We note that PTI Pacifica and MTC have filed petitions for reconsideration of the *Order*, which presently remain pending.¹³ If the Division takes no action to stay the *Order*,¹⁴ we believe, for the reasons we have discussed in this letter, that competition and the interests of consumers in the Commonwealth would best be served by prompt action by the Bureau to compel PTI Pacifica to live up to its responsibilities under the Commission's LNP rules.

Respectfully submitted,

GUAM CELLULAR AND PAGING, INC.,
d/b/a SaipanCell Communications

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¹¹ *Order* at para. 15. The Division also noted that PTI Pacifica will continue to be in violation of the Commission's rules until the upgrades are completed and PTI Pacifica begins offering LNP. *Id.* at para. 15 n.51.

¹² *Id.* at para. 11 n.43 (citing 47 C.F.R. § 52.31(d)(5)).

¹³ PTI Pacifica, Inc., Petition for Reconsideration, CC Docket No. 95-116, filed May 2, 2007; Micronesian Telecommunications Corporation, Petition for Reconsideration, CC Docket No. 95-116, filed May 2, 2007.

¹⁴ See Section 1.102(b)(2) of the Commission's Rules, 47 C.F.R. § 1.102(b)(2).